

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **MIDDLE DISTRICT OF FLORIDA**  
                                  **TAMPA DIVISION**

3       UNITED STATES OF AMERICA,

4                                   Plaintiff,

5                   vs.

CASE NO. 8:19-mj-2237-T-TGW  
September 23, 2019  
Tampa, Florida  
3:58 - 5:00 p.m.

7       DANIEL MCMAHON,

8                                   Defendant.  
9       \_\_\_\_\_

10                                   **TRANSCRIPT OF DETENTION/BOND HEARING**  
11                                   BEFORE THE HONORABLE THOMAS G. WILSON  
12                                   UNITED STATES MAGISTRATE JUDGE

13       **APPEARANCES:**

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28       transcription.

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**P R O C E E D I N G S**

(Court called to order.)

THE COURT: This is a proceeding in Case No. 8:19 -- is our Case No. 8:19-mj-2237-TGW, the United States vs. Daniel McMahon.

The defendant has had an initial appearance and requested a continuance of a detention hearing. So we'll start with that.

What says the government?

MR. GAMMONS: Your Honor, the United States is seeking detention in this case as Mr. McMahon is a risk of flight and a danger to the community.

Just so the Court knows, it would be the government's pleasure to present a brief witness and then present argument and then proceed in that manner.

THE COURT: Okay.

MR. GAMMONS: Your Honor, at this time the government requests to call FBI Task Force Officer Siobhan Maseda.

(Witness sworn by the Deputy Clerk.)

THE WITNESS: I do.

THE DEPUTY CLERK: Could you please spell your first and last name for the record, please.

THE WITNESS: S-i-o-b-h-a-n, last name M-a-s-e-d-a.

1 THE DEPUTY CLERK: Thank you. Please be seated.

2 MR. GAMMONS: May I proceed, Your Honor?

3 THE COURT: You may proceed.

4 DIRECT EXAMINATION

5 BY MR. GAMMONS:

6 Q Good afternoon.

7 A Good afternoon.

8 Q Who do you currently work for?

9 A Pasco Sheriff's Office and assigned as a Task Force  
10 Officer to the FBI's Joint Terrorism Task Force.

11 Q And how long have you been with the Pasco Sheriff's  
12 Office?

13 A Fifteen years.

14 Q And with the Pasco Sheriff's Office, what's your  
15 current title?

16 A Detective.

17 Q And as a detective with the Pasco Sheriff's Office,  
18 what type of crimes do you investigate?

19 A I'm assigned to the FBI's Joint Terrorism Task Force  
20 investigating domestic terrorism.

21 Q And how long have you been assigned to the FBI's Task  
22 Force?

23 A Almost three years.

24 Q Are you familiar with Daniel McMahon?

25 A Yes, sir.

1 Q How are you familiar with him?

2 A I assisted with a search warrant on September 18th,  
3 2019.

4 Q Are you familiar with Roberta Ann Bartish?

5 A Yes, sir.

6 Q And for the record, that's B-a-r-t-i-s-h?

7 A Yes.

8 Q How are you familiar with Ms. Bartish?

9 A Conducted an interview with her the day of the search  
10 warrant.

11 Q And does she have any relationship to the defendant,  
12 Mr. McMahon?

13 A Yes, she's his mother.

14 Q On the day of the search warrant, September 18th, 2019,  
15 were any other individuals at the home besides the defendant  
16 and Ms. Bartish?

17 A Yes, his father, Paul McMahon.

18 Q On September 18th, did you conduct an interview with  
19 Ms. Bartish?

20 A Yes.

21 Q For what purpose did you interview with her?

22 A A reference to obtaining her relationship with  
23 Mr. McMahon and her knowledge of him.

24 Q What did she say about Mr. McMahon's -- about her son's  
25 employment?

1 A He was not employed, has not been employed for over two  
2 years.

3 Q Where did she say that the defendant resided?

4 A With them in their home.

5 Q Them being Paul McMahon and herself?

6 A Correct.

7 Q Did she say anything about the defendant's medical  
8 background?

9 A That he was diagnosed with Asperger's Syndrome at about  
10 14.

11 Q And based on your conversation with Ms. Bartish, was he  
12 on -- did he have any treatment plan currently?

13 A Not that I'm aware of.

14 Q Was Ms. Bartish familiar with her son's political  
15 leanings?

16 A Yes, she said he was very right wing and used the word  
17 extreme.

18 Q Did Ms. Bartish say anything about any particular  
19 groups that her son did not care for?

20 A Yes, and I'm quoting, she said he did not like blacks,  
21 Jews, and gays.

22 Q Based on your conversation with Ms. Bartish, did you --  
23 were you aware that there were any firearms located in the  
24 house?

25 A Yes, she stated that she knew of a shotgun, a Glock,

1 and an AK.

2 Q Do you know who those belonged to?

3 A She stated they belonged to her son, Daniel.

4 Q And based on your conversation with Ms. Bartish, had  
5 her son ever used those firearms?

6 A Yes, she stated that she believed he had gone out and  
7 fired them and that he had also gone out with his father,  
8 who taught him about the weapons, but she could not give me  
9 a specific time frame as to when that happened.

10 Q Was Ms. Bartish familiar with any particular reason  
11 that her son hated blacks, Jews, or homosexuals?

12 A She did not get specific with me on that.

13 Q Was she aware of any particular time when he became --  
14 when his behavior changed?

15 A She stated sometime around the age of 16 that there was  
16 a change. She didn't know why or what about, but she stated  
17 that what she did notice, he filed a report against her and  
18 his father for child abuse that was an unfounded report.

19 Q And did she make any comments about what her son did  
20 socially?

21 A Said he had limited social interaction.

22 Q Did she know of any of his friends?

23 A No.

24 Q Did she talk about what he spent most of his time doing  
25 at the home?

1 A On the computer.

2 Q Did she talk about her son showing signs of paranoia in  
3 her opinion?

4 A Yes, she believed that he was starting to be paranoid.  
5 She thought that was one of the reasons that he owned the  
6 weapons.

7 Q Did Ms. Bartish ever make any comments to you about  
8 recent mass shootings that had been portrayed in the news?

9 A Yes, she said that she had raised some concerns,  
10 because watching the mass shootings and the news coverage of  
11 the shooters, that they were portrayed as loners, as  
12 antisocial, and as weird, and that she felt that her son had  
13 those same characteristics, along with the fact that he  
14 owned weapons.

15 Q Was Ms. Bartish aware of any enemies that her son had  
16 made online on the internet?

17 A Yes, she referred to groups such as Antifa.

18 Q And what's Antifa?

19 A It's an antifascist group, so it'd be more leaning on  
20 the left side of politics.

21 Q And was your understanding that her son had made  
22 enemies with Antifa?

23 A Yes, that was her belief.

24 Q During your conversation with Ms. Bartish, did she  
25 state whether or not she believed that her husband, Paul



1 McMahon, was aware of her son's racist views?

2 A She did say that she believed that he was aware of  
3 Daniel's views.

4 Q And all three of them lived at the same residence with  
5 one another?

6 A Yes.

7 MR. GAMMONS: I have no further questions, Your  
8 Honor.

9 THE COURT: You may inquire.

10 CROSS-EXAMINATION

11 BY MR. MATASSINI:

12 Q Good afternoon.

13 A Good afternoon.

14 Q Ma'am, law enforcement found weapons, firearms, within  
15 the McMahon home; is that correct?

16 A Yes.

17 Q And were those firearms secured in any manner or were  
18 they just laying about?

19 A I have no idea, I wasn't inside.

20 Q Okay. Did you assist in the recovery of those  
21 firearms?

22 A No.

23 Q You did not?

24 A No.

25 Q Did you make a list of the firearms that were

1 recovered?

2 A No.

3 Q Do you know if Mr. McMahon, the father, Paul McMahon,  
4 assisted in identifying those firearms?

5 A No.

6 Q You mentioned that the mother had indicated Daniel  
7 suffered from some paranoia --

8 A Yes.

9 Q -- is that correct?

10 A Yes.

11 Q Did the mother also indicate to you that the home had  
12 been attacked by a crossbow recently?

13 A Yes.

14 Q Okay. Did she also indicate to you that Mr. McMahon,  
15 Daniel, had been threatened himself by members of the Antifa  
16 movement?

17 A She did not mention that he was threatened, she  
18 mentioned that the crossbow was shot at the front door of  
19 the home. They were not sure who did that, there was no  
20 reports to the best of my knowledge reference that, and that  
21 a flyer was placed around the neighborhood.

22 Q And that was something that had occurred recently?

23 A Yes, but I can't be specific to the time frame on that.

24 MR. MATASSINI: No further questions.

25 THE COURT: Any redirect?

1 MR. GAMMONS: No, Your Honor.

2 THE COURT: You may step down.

3 THE WITNESS: Thank you.

4 MR. GAMMONS: Your Honor, I'll give you an  
5 overview of the case and then I want to discuss the factors  
6 that I think militate in favor of detention in this case.

7 Mr. McMahon is indicted out of the Western  
8 District of Virginia with four counts:

9 The first count is interference with a candidate  
10 for elective office;

11 The second count is bias motivated interference  
12 with a candidate for elective office.

13 Those are both misdemeanors.

14 The third count is threats in interstate commerce,  
15 which is a felony; and,

16 The fourth count is cyberstalking, which is also a  
17 felony.

18 If convicted of all these counts, Mr. McMahon  
19 faces a term of up to 12 years imprisonment and \$700,000 in  
20 fine.

21 In this case, the government is requesting  
22 detention as both a risk of flight and a danger to the  
23 community. Under 18 U.S.C. 3142(f)(1)(A), Count Three of  
24 the superseding indictment out of the Western District of  
25 Virginia is a crime of violence, 18 U.S.C. 875.

1 I want to discuss the nature and circumstances of  
2 the crime, including the weight of the evidence in this  
3 case.

4 All four counts charged in the Western District of  
5 Virginia relate to the defendant's hateful threats made in  
6 January 2019 against a black man running for city council in  
7 Charlottesville, Virginia.

8 Now, the defendant, Daniel McMahon, goes by the  
9 alias Jack Corbin online. We know this because during an  
10 interview of FBI agents he identified himself as Jack  
11 Corbin, by the Jack Corbin moniker. He testified to the  
12 fact that he went by the Jack Corbin moniker in an unrelated  
13 federal investigation. Information from online providers  
14 link the Jack Corbin online moniker to the defendant's home  
15 in the Middle District of Florida.

16 And last, during the course of a search warrant,  
17 we recovered a conversation where Mr. McMahon identifies his  
18 true identity as Daniel McMahon and it's linked to the Jack  
19 Corbin moniker.

20 Your Honor, I want to focus on a few posts made by  
21 Jack Corbin that relate to the Western District of  
22 Virginia's indictment. I'm going to showing what I intend  
23 to introduce as Government's Composite Exhibit 1.

24 This is a post made by Jack Corbin that reads:  
25 Don Gathers, the nigger terrorist attacking Mike Miselis in

1 this video, is running for city council in Charlottesville.  
2 I will do everything in my power to stop him from getting  
3 elected for his attack on my people and I do mean  
4 everything. Unlike Wes Bellamy, this nigger is known to be  
5 a violent terrorist, so he won't be getting a handshake like  
6 Bellamy did.

7 Your Honor, this is in early -- late 2018, early  
8 2019, when the victim identified in the superseding  
9 indictment out of Virginia, D.G., stated that he was going  
10 to run for public office in Charlottesville.

11 As you see, Your Honor, the chats continue. On  
12 this conversation, Jack Corbin, who we know is the  
13 defendant, is communicating with another individual known as  
14 Joseph Kleinschmidt (ph). Mr. Kleinschmidt responds: Good.  
15 Do whatever you need to do. Fuck that fucking nigger, this  
16 is our country.

17 Jack Corbin responds: I ask that you join me.  
18 This is not a one-man job. Activism against Don Gathers  
19 with a diversity of tactics must be used to stop his  
20 candidacy. This fucker is bad as Nicolas Maduro.

21 Moving to page four of the composite exhibit, Your  
22 Honor. Again, this is another post from Jack Corbin, who we  
23 know is the defendant, and it relates to a news story  
24 stating that the victim is running for city council. So the  
25 defendant has reposted this news story and made the comment:

1 I'm going to issue a formal warning to Don Gathers. Do not  
2 run for office after what I -- after what you did to our  
3 people on August 12th. If you think I'm going to allow a  
4 violent communist like you to run for office after attacking  
5 one of my people with a rake handle, you got another think  
6 coming. Drop out now.

7 And, Your Honor, again, a later post from Jack  
8 Corbin again, who we know is the defendant: I'm going to  
9 add something to Charlottesville activism in 2019 in  
10 addition to supporting our political prisoners and that is  
11 stopping violent terrorist Don Gathers from being elected to  
12 the Charlottesville City Council after he committed a  
13 violent hate crime on Mike Miselis. I endorse a diversity  
14 of tactics for the activism against Don Gathers.

15 So, Your Honor, at this point, this is the second  
16 time that the defendant has used that term diversity of  
17 tactics and that becomes important for reasons that I'll  
18 mention in just a moment.

19 Again, yet another post from the defendant: I am  
20 declaring Don Gathers to be the most dangerous violent  
21 Antifa in the USA ranked over Bate Sprayer (ph), Spencer  
22 Sunshine's bodyguard. Because he is running for office  
23 after attacking our people with a rake handle, Don Gathers  
24 has a murderous antiwhite mentality similar to Nicolas  
25 Maduro of Venezuela. His candidacy is a threat to our

1 national security and every white man on earth. I am not  
2 fucking around, he must not be allowed to get elected.

3           Your Honor, in yet another post, an individual  
4 named Jason Kessler (ph) says: Just like Daniel Borden, who  
5 was sentenced today, Don Gathers committed a felonious  
6 assault by attacking a man with a stick. While Daniel goes  
7 to prison, Gathers goes free and seeks public office.  
8 Unfortunately, any tactics on him will only increase his  
9 support among Charlottesville residents. Take the high road  
10 and avoid harassment, ethnic slurs, or anything that would  
11 let this creep claim -- and then it continues.

12           So in this conversation someone who somewhat  
13 sympathizes, Jason Kessler, appeals to the defendant for him  
14 to take the high road, stay away from ethnic slurs or  
15 anything against Mr. Gathers.

16           At the bottom, again, Mr. Corbin posts the same  
17 response that I read to you previously, but in addition he  
18 responds: Bro, a diversity of tactics must be used. You  
19 know how dangerous this man is. What if Don Gathers rapes a  
20 white woman while in office?

21           Your Honor, again, this is the third time that  
22 Mr. -- that the defendant uses that term diversity of  
23 tactics, which we'll talk about in just a few moments.

24           We move on to the next chat from the defendant.  
25 Again, he says: I'm seriously afraid that if Don Gathers is

1 elected, he will pull a Bill Cosby on multiple white women.  
2 We already know he's violent and hates white people. He is  
3 literally slime.

4           The next post that I'll show you is the defendant  
5 posting a story about Don Gathers running for city council  
6 and in relation to that, the defendant states the following:  
7 Hey, Don Gathers, the people will know that you're a violent  
8 terrorist and we ain't gonna let you take over the C-ville  
9 government, which is fucked already. Drop out, pal. You're  
10 fucking done.

11           And then you will see that the defendant is  
12 posting a story about the victim actually dropping out of  
13 the race for city council shortly after these threats are  
14 made on the internet and the defendant says: Hail victory.

15           Your Honor, so I want to talk just a few moments  
16 about the term diversity of tactics. During the course of  
17 this investigation, law enforcement have seized dozens, if  
18 not hundreds, of chats from the defendant and that term,  
19 diversity of tactics, comes up in a few instances.

20           On November 20th, 2018, using the Jack Corbin  
21 moniker, the defendant says: When Antifa say they want to  
22 use a diversity of tactics, it's code for Antifa wanting to  
23 bike lock you over the head, then raping your children.

24           A couple weeks later, he says: Want to know  
25 something about the Yes platforming movement? We endorse a



1 diversity of tactics, just like Antifa, to stop Antifa. We  
2 are not pacifists.

3 And then two days later says: Antifa say they  
4 endorse a diversity of tactics to wipe out our race, while I  
5 am endorsing a diversity of tactics to defend the very  
6 survival of our race.

7 Your Honor, I think it's clear based on the chats  
8 that I've discussed with you that when the defendant says  
9 that he plans to employ a diversity of tactics against the  
10 victim from the Western District of Virginia case he means  
11 physical violence against him.

12 And to hammer this point home, the next page is  
13 another chat from Mr. Corbin and towards the bottom he  
14 says -- he's talking about another politician who he doesn't  
15 see eye to eye with. But he's talking about that  
16 politician, he says: Her views are likely as radical as her  
17 communist husband. We must not allow her to get elected.  
18 However, since she and her crazy husband are not violent, I  
19 will not endorse a diversity of tactics to stop her campaign  
20 like I did with Don Gathers. Instead, we will rely on  
21 traditional opposition research.

22 So in this chat it's clear that he's saying  
23 because this enemy of his isn't involved in violence he's  
24 not going to resort to violence in trying to counter them.

25 Your Honor, I want to talk about the -- obviously,

1 the defendant individually is capable of carrying out these  
2 acts of violence, but over several platforms where he's  
3 active, blog posts, chat rooms, and things of that nature,  
4 he has approximately 6,000 followers.

5 With regard to just the defendant, during a search  
6 of his home, law enforcement officers recovered a loaded  
7 assault rifle, a loaded shotgun, and a loaded handgun, and  
8 over a hundred rounds of ammo. Also during that search they  
9 found research relating to Hitler and Stalin.

10 Also there's an issue regarding guns that are  
11 unaccounted for. During a conversation between law  
12 enforcement and the defendant, Mr. McMahon said that there  
13 were five firearms in the house. Law enforcement only found  
14 three firearms.

15 In addition, during a conversation with McMahon's  
16 father, he said that his son had four to six firearms and,  
17 again, only three were found in the home.

18 And as you know, when defendant came in to speak  
19 with Pretrial, he refused to disclose anything about  
20 firearms.

21 Your Honor, I want to move on to the history and  
22 characteristics of the defendant. I think it's clear based  
23 on his rhetoric on these posts that he's willing to engage  
24 in acts of violence and he often encourages others to engage  
25 in acts of violence.

1           And it's evident from his postings that he --  
2 specifically, relating to the state of Florida, that he  
3 characterizes premeditated murder under the guise of Stand  
4 Your Ground. I want to talk about one post in particular  
5 where he says: Let 2019 be the year of Stand Your Ground  
6 laws get used with Antifa in self-defense. We need more  
7 legal justified self-defense homicides of violent Antifa.

8           During a separate chat the defendant says: Have  
9 Antifa attack you in a Stand Your Ground state, shoot to  
10 kill and make sure you make it clear that you were in fear  
11 of your life. No warning shots.

12           In a separate post he says: No fucking warning  
13 shots. If Antifa attack you, you have a right to shoot and  
14 kill them in self-defense. Next time hit your intended  
15 target. You pee-brain fucking retards. If you show mercy  
16 to the enemy, you're the same as a nigger fucking race  
17 trader and you will burn in hell.

18           Your Honor, I think this is important, because not  
19 only is the defendant a danger in and of himself, but he's a  
20 danger in causing some of the nearly 6,000 followers on  
21 social media to commit crimes that he's actually encouraging  
22 them to do.

23           The next thing relating to the history and  
24 characteristics of the defendant is that Mr. McMahon  
25 regularly celebrates violence, including mass shootings and

1 hate crimes. As I'm sure the Court knows, Dylann Roof in  
2 2015 shot and killed nine people at a church in Charleston,  
3 South Carolina, primarily African-American. There is a post  
4 where Mr. McMahon says: If you are anti-white and you  
5 happen to die, regardless of how you die, I don't care, I  
6 will laugh at your death. I will defend Dylann Roof -- I  
7 will defend what Dylann Roof did. Dylann Roof is a hero.

8 Again, as I'm sure you know, James Fields, at the  
9 protest in 2017 in Charlottesville, he drove into a crowd of  
10 protesters killing one and that was in Charlottesville,  
11 Virginia. During a post Mr. McMahon says: I believe James  
12 Fields is strong and Heather Heyer -- that's the woman who  
13 was murdered by the vehicle -- was weak. My race is my  
14 nation. My race is my people. I will secure their  
15 existence by any means necessary.

16 And last, Robert Bowers in 2018 shot and killed 11  
17 people at a synagogue in Pittsburgh, Pennsylvania. After  
18 that occurred, the defendant posted: I didn't have anything  
19 to do with Robert -- with what Robert Bowers did, but I will  
20 say he has more balls than most of you-all. God bless that  
21 man.

22 This is particularly interesting, because we have  
23 evidence that shows that the defendant was in contact with  
24 Robert Bowers before that actual incident occurred. And I  
25 don't mean to imply that the defendant was in any way

1 involved in that shooting, because there's no evidence to  
2 indicate that, but they were in touch.

3           Your Honor, this is just a sampling of the chats  
4 and the conversations that Mr. McMahon has had since the  
5 beginning of 2017 inciting others to commit acts of  
6 violence, willing to confront anybody who disagrees with his  
7 particular point of view, and I -- I can't say more about  
8 the specifics of these, but since his arrest and the news  
9 breaking on Wednesday, there have been two additional  
10 alleged victims that have come forward to the government  
11 with allegations that this defendant has threatened them  
12 online. Obviously, law enforcement officers are following  
13 up on these leads and we'll report to the Court once more  
14 information has been obtained.

15           Independently, Your Honor, I think nonappearance  
16 is an independent ground to detain Mr. McMahon in this case.  
17 He has -- the operative question is does he have ties to the  
18 District where he's charged. So that's the Western District  
19 of Virginia. To my knowledge, Mr. McMahon has absolutely no  
20 ties to the Western District of Virginia. And even if his  
21 ties to the Southern -- or to the Middle District of  
22 Florida, they're not very significant. His parents live  
23 here. They say that they're willing to be third-party  
24 custodians. He doesn't seem to have a very active social  
25 life or any other -- or any strong ties to this area.

1           What we do know from the Pretrial Services report  
2 is that he has taken international trips to at least eight  
3 countries as recently as last month. He has no stable  
4 employment, he hasn't worked in three years. And as the  
5 Court I believe noticed last week, on Friday, he refused to  
6 answer Pretrial Services' questions regarding finances,  
7 guns, and substance abuse.

8           It's my understanding in speaking with the  
9 defendant's lawyer that today he is willing to speak with  
10 Pretrial Services and provide information to that effect,  
11 but I think it goes to show the level of compliance that  
12 Mr. McMahon will be willing to give in this case.

13           I think given the course of conduct, given the  
14 charges, the evidence, including the penalty that he's  
15 facing, there is absolutely no way to assure the safety of  
16 the community or that the defendant won't flee and so, for  
17 those reasons, the government is requesting the defendant be  
18 held in detention pending trial on this matter.

19           THE COURT: Okay. Mr. Matassini.

20           MR. MATASSINI: Judge, I do have argument, of  
21 course, in response to the government's position, but I have  
22 a witness I'd like to call.

23           THE COURT: Okay.

24           MR. MATASSINI: And that would be Paul McMahon.  
25 He's sequestered, so he's outside. If somebody could go get

1 him.

2 (Witness escorted into courtroom and sworn by the  
3 Deputy Clerk.)

4 THE WITNESS: I do.

5 THE DEPUTY CLERK: Thank you. Please be seated.

6 DIRECT EXAMINATION

7 BY MR. MATASSINI:

8 Q Good afternoon, sir.

9 A Good afternoon.

10 Q How are you related to Daniel McMahon?

11 A I'm his father.

12 Q Okay. And --

13 A Biological father.

14 Q And where does Daniel McMahon live?

15 A (Address redacted) in Brandon, Florida.

16 Q Before this hearing started, you and I had a chance to  
17 speak outside, correct?

18 A Right.

19 Q I told you that -- I asked you whether you were willing  
20 to act as a third-party custodian? Did I ask you that?

21 A You did and I agreed.

22 Q Okay. And do you understand what it means to act as a  
23 third-party custodian over Daniel?

24 A You did, but I wouldn't mind hearing it again.

25 Q Well, the Judge can explain. But you're willing to

1 look over him and make sure he follows the rules should the  
2 Court let him out?

3 A Yes, absolutely.

4 Q Willing to make sure he appears at all court  
5 appearances as necessary?

6 A Yes.

7 Q You're willing to make sure that he follows up with  
8 Pretrial Services as directed?

9 A Yes.

10 Q And you're willing to make sure he follows any special  
11 rules that the Court may impose?

12 A Absolutely.

13 Q Do you own your home?

14 A Yes. I still have \$30,000 in a mortgage approximately,  
15 more or less.

16 Q Okay. But you have equity within the home?

17 A Yes.

18 Q Are you willing to put up that equity in the home for  
19 your son's release?

20 A Yes.

21 Q And are you also willing, if necessary, to sign a  
22 signature bond in the amount of \$50,000 for your son's  
23 release?

24 A Yes.

25 Q Okay. The government in this particular case has



1 alleged that there were firearms found within the home.

2 Were you present when the search warrant was executed?

3 A I was.

4 Q Did you assist law enforcement in the seizure of those  
5 firearms?

6 A I did. I did actually receive -- the search warrant  
7 was given at the end of the search, not the beginning. But  
8 we wanted to comply fully.

9 Q Where were the firearms located within the home?

10 A In his bedroom closet.

11 Q Were they locked or stored in any manner?

12 A Yes. In fact, they had to cut off two locks. They  
13 asked me if I could -- if I had some heavy-duty bolt  
14 cutters. So it took a while for them to get in. They  
15 sent -- another agent came and brought bolt cutters and I  
16 know there was at least two locks that were cut open by the  
17 FBI.

18 Q So is it safe to say that the guns were secured within  
19 the home?

20 A I think so.

21 Q There's some question about the -- whether there are  
22 outstanding firearms that are unaccounted for. Are you  
23 aware of the firearms that Daniel McMahon has purchased --

24 A Uh-huh.

25 Q -- and stored within the home in the past?

1 A Yes, I -- at least -- yes. He funds his travels  
2 overseas by doing a couple of things, but one of them is  
3 selling his firearms. So he had six firearms that I know of  
4 and now he has three, so he's reduced -- cut it in half  
5 selling those to make a profit so he could go overseas. He  
6 got rid of a Springfield XD, he got rid of a DPMS AR-15, he  
7 got -- sold. By getting rid of, I mean selling. He sold a  
8 Glock. So what I knew that he had -- he may have sold a  
9 Ruger Blackhawk. I think he did, but I'm not positive about  
10 that.

11 What he still had at the house was a Colt AR-15, which  
12 he knew the company was in trouble, he thought it would go  
13 up in value --

14 Q Are you aware of any firearms that are -- that have not  
15 been located by law enforcement that your son purchased?

16 A I don't believe so. I mean, I know for sure those  
17 three. The Ruger Blackhawk, I think he sold that too. But  
18 I'm not positive, I couldn't say absolutely.

19 Q And you assisted law enforcement in finding those  
20 firearms?

21 A I did. I looked for keys to be able to open the locks  
22 and I told them exactly where I knew them to be located.

23 Q And when you were questioned by law enforcement on that  
24 day, you provided some explanation about your son modifying  
25 firearms for video games and things like that?

1 A I did. I said besides the fact that he sells them to  
2 make money so he can travel, because he has an interest in  
3 language and cultures, he does a thing called game modding.  
4 So in other words, like you might have a Nintendo64 game --  
5 one that he currently game modded was called Golden Eye,  
6 James Bond movie. So what he does is he tries to update  
7 them. He includes new firearms, makes it more difficult for  
8 people to successfully complete the game, so -- and he's  
9 gotten lots of reviews from people that are avid gamers like  
10 him.

11 Q Your son has traveled abroad recently; is that correct?

12 A Yes, exactly. He came back from traveling to England,  
13 Spain, and Portugal. I think he left on the 14th and came  
14 back on the 24th. But around that time, I'm not positive.

15 Q Does your son have the financial means to continue to  
16 live abroad, outside the United States?

17 A Absolutely not. He had to borrow money from me in  
18 addition to the money he got for selling that DPMS.

19 Q That was going to be my next question. Do you  
20 economically support your son?

21 A I do.

22 Q How so?

23 A How so?

24 Q Yeah. Do you give him money from time to time, what --  
25 how do you do that?

1 A Oh, yeah, I -- well, we give him free lodging, we give  
2 him free food, we give him money when he needs it. He does  
3 work around the house. My wife has neurological and cardiac  
4 conditions, he watches over her. He does -- like he's  
5 gotten some computers, because he fixed computers that were  
6 infected with malware and people gave him money or they gave  
7 him in lieu of money like a netbook and stuff like that.

8 Q Are you aware of your son being served with a subpoena  
9 in the past to appear before a court in the Western District  
10 of Virginia?

11 A Yes, I received it --

12 Q Did your son comply with that subpoena and appear to  
13 give testimony as required?

14 A Yes, sir, he did.

15 Q And during that period of time, had threats been made  
16 against your son that you're aware of?

17 A Absolutely.

18 Q And your son still complied with that subpoena and --

19 A Yes.

20 Q -- provided testimony despite the threats?

21 A Yeah, in spite of death threats even.

22 Q Okay. And did you know what the threats were about?  
23 Were they about him testifying, were they about other  
24 matters?

25 A He had identified people that wore black-black,

1 (inaudible) and stuff to avoid being identified by law  
2 enforcement who were violent. He had a friend that had been  
3 assaulted in Charlottesville. He had never been to  
4 Charlottesville before he testified before the grand jury.  
5 He had identified over 800 people, he had contacted FBI  
6 Agent Capuso (ph) and his partner --

7 Q Your son had made voluntary contact with law  
8 enforcement to alert them about what he thought was  
9 potential criminal activity?

10 A Yes.

11 Q Go ahead.

12 A And not just in Charlottesville, he had contacted I  
13 believe D.C. Metro, maybe Washington State Patrol. I'm not  
14 positive about that, but I think so.

15 Q Sir, you've known your son his entire life; is that  
16 correct?

17 A Yes, I have.

18 Q Do you believe he is a danger to this community?

19 A Absolutely not.

20 Q Do you believe --

21 A In fact, when he was being -- excuse me. When he was  
22 being picked up, he asked the deputies from -- I can't --  
23 the Hillsborough County Sheriff's Office and the FBI team,  
24 search team, he said, can I get a shower? I don't think he  
25 realized even the -- you know, the gravity of the situation.

1 Can I get a shower before? You know, no, you're arrested.  
2 But he was very concerned about two things, hygiene and his  
3 mother's health, as FBI Agent Siobhan Maseda would attest.

4 Q Do you believe your -- do you believe your son is a  
5 risk of flight to flee the jurisdiction and avoid the court  
6 process?

7 A No, absolutely not. He's willing to turn over his  
8 passport.

9 MR. MATASSINI: Pass the witness at this time.

10 CROSS-EXAMINATION

11 BY MR. GAMMONS:

12 Q Good afternoon, Mr. McMahon.

13 A Good afternoon.

14 Q Would it be fair to say that you care a lot for your  
15 son?

16 A Yes, it would.

17 Q And you don't want him to go to jail for 12 years?

18 A I didn't know it was going to be that long, but, yes, I  
19 wouldn't want my son to be -- I don't consider him a threat,  
20 I don't think he warrants it.

21 Q You talked about firearms located in the house. You  
22 didn't -- you don't have any personal knowledge of exactly  
23 how many firearms your son had; is that correct?

24 A I have inferred it from -- because he saves targets,  
25 paper targets when he goes and shoots weapons and there's --

1 from doing a little data search there, I found out it looks  
2 like he -- he fired his weapons about 18 times at ranges,  
3 kept the paper targets. Most of the firing was in 2012,  
4 seven years ago. So he would write the firearm, like Ruger  
5 Blackhawk, Mossberg 500 shotgun, Glock, you know, 17, so --

6 Q Sir, I don't mean to cut you off, but my question is,  
7 you don't know many firearms your son has?

8 A No, I only infer it.

9 Q You have no personal knowledge?

10 A No, I -- I mean, I've seen some of them, but I can't  
11 tell you, you know, all of them. But I think that's it.

12 Q A few moments ago you were asked about a safe in his  
13 room. You don't have the combination to that safe?

14 A There's not a safe in his room, no. What he did is he  
15 had cases -- the guns locked in cases with heavy-duty locks  
16 that obviously they had to get heavy-duty bolt cutters to  
17 cut off.

18 Q And you don't have access to that?

19 A To bolt cutters?

20 Q Access to those firearms.

21 A I don't have access, no.

22 Q You --

23 A I tried a key -- excuse me. I tried a key and it  
24 didn't work, because it must have been one of the firearms  
25 that he sold.

1 Q Isn't it true when law enforcement asked you how many  
2 firearms he had you said between four and six?

3 A Yeah, that's true.

4 Q And do you know now that law enforcement found three  
5 firearms?

6 A Yeah.

7 Q So your inference was wrong; is that right?

8 A My inference was before I checked these paper targets  
9 where he keeps a record of weapons fired.

10 Q And those are the records from seven years ago that you  
11 said you looked at to infer --

12 A They were between 2010 and 2019.

13 Q Does your son spend a lot of time on the computer?

14 A Yes, absolutely.

15 Q How many hours a day?

16 A I couldn't even hazard a guess, but a lot of time.

17 Q More than six hours?

18 A Depends on the day, but, yeah, it could be four to six  
19 or more hours, yeah.

20 Q Are you aware that your son hates gays?

21 A No.

22 Q Are you aware that your son hates blacks?

23 A No. I have pictures --

24 Q Are you aware that your son hates Jews?

25 A Well, let me rephrase that. I know he hates an



1 individual black person, like Bill Cosby, because what he  
2 thinks he's done to women, you know, being a predator. I  
3 know that he's not fond of Jeffrey Epstein, he's Jewish. I  
4 know that he, you know, is not crazy about Kevin Spacey.  
5 You know, he's white. But he usually -- it's about  
6 individual things. Although, when he gets -- when he drinks  
7 sometimes -- he's very polite most of the time, he can be  
8 rude. Even like around New Year's he called me an ugly  
9 potato-picking bleeping mick.

10 But do I think that he -- he hates people in general?  
11 No. Not when he -- certainly not when I see him -- you  
12 know, when he's drinking, that could be another matter.  
13 When he's with other people, that could be another matter.  
14 Drinking, yeah, he can be rude, he can say things like that.  
15 Yes, absolutely he can say that.

16 Q Is your testimony that when he drinks he becomes  
17 racist?

18 A My testimony is when he drinks that he becomes uncivil.

19 Q And he called you a potato-picking mick? Is that not a  
20 racial slur?

21 A Not a racial slur. It might be --

22 Q You agree it's a slur, though, right?

23 A Yeah, it's an insult to me as an individual.

24 Q Does the --

25 A Not as a group.

1 Q Sorry to cut you off.

2 A No, that's all right.

3 Q Does it surprise you that your wife told law  
4 enforcement officers that your son said that he hates Jews,  
5 blacks, and gays? Does that surprise you?

6 A It does surprise me. My wife's on Valium, she was  
7 awakened by a flash bang, by a SWAT team, when my son would  
8 have voluntarily turned himself in. So she --

9 Q So you believe --

10 A Uh-huh.

11 Q You believe that the Valium made her make that  
12 statement up?

13 A Oh, she was asleep, she was on Valium, and she had  
14 that. So I don't know. I don't know. If you've ever seen  
15 the picture Rashomon, people have different viewpoints, I  
16 mean, of the same event. But all I know is I have been kind  
17 of like the major disciplinarian. My son was very, very,  
18 very concerned about my wife's -- we've been married for 41  
19 years, my wife's health and made that known to FBI agents  
20 and Hillsborough County Sheriff's deputies. My son does not  
21 tell me everything that he tells my wife, because she's the  
22 good cop basically and I'm the bad copy, okay? But, yeah,  
23 I -- you know, I don't believe when he's sober that he hates  
24 people.

25 Q You think you would be a good third-party custodian

1 even though your son doesn't tell you everything?

2 A Because now that I know that -- you know, that there's  
3 serious consequences of up to 12 years, absolutely. I'd be  
4 on him like a fly on poop.

5 Q You said now that you know. Were you aware that he was  
6 bullying politicians in other states?

7 A No, I wasn't, but I have read since that the person who  
8 claimed that he had stepped down for health reasons to his  
9 supporters -- I don't know if he lied then, but, you know,  
10 now is saying that he had fear of -- death threats. But my  
11 son is the one who really got a death threat when putting a  
12 crossbow bolt shot into our door. You know, the people  
13 could have killed my wife, him, or me. And the FBI has a  
14 folder that they seized that has documents and it has  
15 pictures that would really aid his defense attorney if they  
16 would return it, because it has photos of something saying  
17 Philly ARA, okay?

18 Q You mentioned --

19 A Well, greetings from Philly ARA, we're watching you.  
20 They bragged about traveling over state lines. That's  
21 obviously an FBI issue. Hundreds of miles. I don't know  
22 how far Philly is, but 900, 11-hour, they bragged -- 1100  
23 miles. They bragged about harassing us at all hours, night  
24 and day. They, you know -- you know, they terrorized our  
25 family.

1 Q Are you aware --

2 A I wish the FBI would do something about that.

3 Q Were you aware that your son used a moniker name Jack  
4 Corbin on the internet?

5 A I was aware of that. He said that he used it so that  
6 he could protect himself when he was doing a deep dive to  
7 try to find the people that were trying to obscure their  
8 identities from law enforcement who were violent in  
9 Charlottesville.

10 Q Were you aware that he was using that moniker to spread  
11 white nationalist rhetoric almost constantly since 2017?

12 A Constantly? No.

13 Q Did you know he was doing it at all?

14 A I mean, I -- I don't think that even -- I know two  
15 monikers he has and that he --

16 Q The question is, did you know?

17 A When he was drunk he would say things. But I didn't  
18 look over his shoulder. I would -- obviously, I would be  
19 doing that now if he was returned to supervised custody  
20 under my wife and me.

21 Q When you say say things, does that mean that you were  
22 aware that he was spreading white nationalist rhetoric using  
23 that moniker?

24 A I found something called -- he had a sign, make America  
25 white again. Okay? And he was a big Trump supporter at the

1 time. And I thought that -- I couldn't tell whether that  
2 was satirical or not. But I know that -- I don't know if he  
3 even wrote it, because it actually looks better than his  
4 handwriting. So I can't say definitely that that's his. He  
5 hangs around with his friends, Blake and Brian, who live,  
6 you know, away. So I -- and they're over at our place  
7 sometimes.

8 So I can't say anymore than I can be -- in answer to  
9 your question I know all about his weapons. I can't say I  
10 know all about what he does online.

11 Q So it's fair to say you don't know about his hate  
12 speech or all about the weapons that he has?

13 A That's true. I think I know some about the weapons  
14 anyway.

15 Q When you found that make America white again, did you  
16 just ask your son, who lives in your house, what does it  
17 mean?

18 A I didn't, not at that time.

19 Q Why not?

20 A I don't know. I -- I don't know. I thought it was  
21 satirical, I thought it was a joke. You know, there was  
22 MAGA, make America great again. Because he's been a Trump  
23 supporter. But he was an Obama supporter before that and  
24 he's been a libertarian. He's -- he's all over the map as  
25 far as beliefs.

1 Q Explain to me how make America white again is a joke.

2 MR. MATASSINI: Objection, argumentative.

3 THE COURT: Sustained.

4 BY MR. GAMMONS:

5 Q Did he tell you about any other groups that he had made  
6 enemies with online?

7 A I know that the stickers that we had on our mailbox  
8 were Philly ARA and Antifa. We had -- our mailbox was  
9 stickered three times. The FBI has that evidence.

10 Q You're ware that your -- you said your son likes other  
11 cultures, he travels a lot?

12 A Yes, he does. He does like other cultures.

13 Q And he was in the United Kingdom last month?

14 A Uh-huh, yeah, but he was only in the airport, Gatwick.

15 Q Were you aware that in 2000 -- well, did he go to the  
16 United Kingdom in 2018?

17 A I believe that was the one where he missed his  
18 Norwegian flight by five minutes. So, no, I don't think he  
19 went in 2018. I think the first time that he's gone  
20 there -- I don't know, I'm not positive. I have -- you  
21 know, I'm in my 70s, I'd have to check my records of,  
22 like -- he usually would give me money and I would buy the  
23 ticket with my credit card to get points. So I would have  
24 to check records, I can't say for sure.

25 Q And in the last three years, approximately how much

1 money have you given him to travel abroad?

2 A Again, I could check my Visa statement and give you  
3 that information, but --

4 Q Just approximately. I won't hold you to it.

5 A Probably maybe \$1800, thereabouts, more or less.

6 Q And he's traveled to how many countries?

7 A Since which --

8 Q In the last three years.

9 A In the last three years. Okay. Well, since 2015 he  
10 traveled to Ireland in 2015. Then in 2016 he traveled to  
11 Brazil, Sao Paulo, where his girlfriend, who is  
12 Afro-Brazilian, currently lives in Rio. And he -- in 2017  
13 he traveled to France, Germany, he was in the airport in  
14 Norway. And this most recent trip, like I said, he was in  
15 the airport in Gatwick, but he actually traveled to the  
16 cities of Lisbon, Cascais, and Sintra in Portugal and  
17 San Sebastian and Bilbao in Basque Country in Spain.

18 Q And the \$1800 that you gave him during that time period  
19 would have at most maybe bought one round-trip ticket; would  
20 that be fair?

21 A Well, not really. He got -- he found me a ticket for  
22 \$80 that he got me in April of this year from -- on Thomas  
23 Cook Airlines from Orlando or Tampa to Gatwick Airport and  
24 then I traveled to Scotland and to Ireland and also to  
25 Portugal. So, no, he -- he searches Secret Flying online

1 and he searches -- and I'm -- he told me about Scott's Cheap  
2 Flights and I do that. So he does bargain flights. So  
3 that's not like one way. no.

4 Q Understood. You mentioned that he does other things to  
5 make money. Is it fair to say that he has a stream of -- or  
6 in the past he's had a stream of revenue that you don't know  
7 about?

8 A He could have. I mean, I don't -- if I don't know  
9 about it, I don't know about it, now, do I?

10 Q Let me ask you this question: Is it your understanding  
11 that the \$1800 that you gave him paid for all of those trips  
12 in the last three years?

13 A No, he sold weapons as well and he also did things like  
14 help remove malware from computers for friends. So as I  
15 said earlier in my testimony, he was given cash and  
16 sometimes he was given in lieu of cash things like netbook  
17 computers, et cetera.

18 Q So it would be fair to say you don't have a complete  
19 picture as to his hate speech, his finances, or the firearms  
20 that he possesses?

21 A That would be fair.

22 MR. GAMMONS: I have no further questions, Your  
23 Honor.

24 MR. MATASSINI: No redirect.

25 THE COURT: Okay. You may step down.



1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: Any further evidence that you wish to  
3 present?

4 MR. MATASSINI: Nothing from the defense, Your  
5 Honor.

6 THE COURT: Okay. You may proceed with your  
7 argument.

8 MR. MATASSINI: Judge, I would first take some  
9 issue with Mr. Gannon's comments that the defendant was not  
10 responsive with Pretrial Services. I know he doesn't mean  
11 it intentionally, but if the Court would just orient itself  
12 to where we were last week, he didn't have an opportunity to  
13 meet with me prior to Pretrial Services coming --

14 THE COURT: Yeah, but all kinds of defendants all  
15 the time answer those questions. He was not forthcoming.

16 MR. MATASSINI: Understood. But after --

17 THE COURT: Okay. So that's all -- that's all I'm  
18 getting out of it.

19 MR. MATASSINI: I know, but --

20 THE COURT: Okay.

21 MR. MATASSINI: But when he did have an  
22 opportunity to meet with me and I explained to him the  
23 importance of answering those questions, we've now come to  
24 an understanding that he's ready to answer them. So I just  
25 wanted to make that point, that I didn't have an opportunity

1 to speak with him beforehand. I've explained to him how  
2 important it is for him --

3 THE COURT: Yeah, but I'm saying that isn't really  
4 persuasive, because all kinds of defendants come and give  
5 answers to Pretrial Services before they talk to a lawyer.  
6 It's rare that they don't.

7 MR. MATASSINI: Well, in this particular case, he  
8 sought the advice of counsel.

9 THE COURT: Okay.

10 MR. MATASSINI: And I think it's appropriate to  
11 point that out.

12 THE COURT: Well, and I'm not holding that against  
13 him.

14 MR. MATASSINI: Understood. I just --

15 THE COURT: But I'm not faulting Mr. Gammons for  
16 pointing that out either.

17 MR. MATASSINI: I'm not faulting him either, I'm  
18 just responding --

19 THE COURT: Okay. All right.

20 MR. MATASSINI: -- to his assertion, that's all.

21 Judge, I think that we have presented a reasonable  
22 bail package for the Court. I do --

23 THE COURT: Yeah, I've read your motion -- or your  
24 response.

25 MR. MATASSINI: Just that -- just from the

1 beginning, though, I do object to any characterization as a  
2 crime of violence. I would from the legal standpoint object  
3 and argue post *Johnson* now that the term crime of violence  
4 as a definition has a lot of appellate activity. I would  
5 argue that it's unconstitutionally vague. In this  
6 particular case, I would argue that the facts as presented  
7 by Mr. Gammons do not support the Court finding that this as  
8 charged is a crime of violence. So I don't believe that we  
9 start off with him having been charged with an enumerated  
10 offense that triggers some kind of presumption. In any  
11 event, I think we're able to --

12 THE COURT: Well, he -- I don't think he was  
13 saying as a presumption, I think he was just saying --

14 MR. MATASSINI: Well, he -- I think -- I thought I  
15 heard --

16 THE COURT: -- it falls into some category where  
17 he could be detained.

18 MR. MATASSINI: Okay. And I would object to the  
19 categorization of these charges as a crime of violence for  
20 that purpose.

21 THE COURT: These charges are what they are.

22 MR. MATASSINI: Understood.

23 So, Judge, I think that we have presented a  
24 sufficient bail package that reasonably assures the safety  
25 of the community and his appearance in court. There has

1 been no evidence to suggest that he's a flight risk. I  
2 understand that he's taken travel abroad and he's made some  
3 trips, but there has been no evidence to suggest that he  
4 would flee the jurisdiction and that he would travel abroad  
5 for those purposes.

6 He was served with a subpoena to appear at a grand  
7 jury proceeding in Virginia and did so under order of the  
8 Court, despite the fact that he had been threatened with  
9 violence and decided to obey that order of the Court. I  
10 think that that speaks volumes for his ability to appear in  
11 court as directed in this particular case.

12 I think that the exhibits that were presented by  
13 Mr. Gammons don't show a personal threat to the safety of  
14 this particular individual. This looks like political  
15 speech to me. It -- we may disagree with it, it may be  
16 distasteful, it may not be something that we individually  
17 share, but it is -- it seems to be protected by the First  
18 Amendment. I know that a grand jury has dispelled  
19 differently and has charged him with criminal offenses, but  
20 I don't believe that the exhibits presented by the  
21 government manifest any danger to the community or danger to  
22 this particular alleged victim.

23 I would go on and further add that the firearms  
24 found within the home have no nexus to the crimes charged.  
25 There's been no allegation that he's ever used a firearm in

1 the past to threaten anyone, at least not presented here.  
2 We've provided an explanation for the firearms or at least a  
3 willingness to explain any additional firearms, help  
4 identify them, locate them. It's our understanding based on  
5 the testimony today that all of the firearms have been  
6 recovered from within the home. So that should not be an  
7 issue, but he's certainly willing to answer any additional  
8 questions on that.

9 THE COURT: It's an issue in the sense -- let's  
10 assume that they have recovered all the firearms he  
11 originally had. He obviously has got some supply of  
12 firearms. He can get firearms on the street all over the  
13 place and he would know where to go to get it. So whether  
14 they have them all or they don't have them all doesn't make  
15 a big difference to me.

16 MR. MATASSINI: Well, Judge, he --

17 THE COURT: He's capable of getting them.

18 MR. MATASSINI: He doesn't have a prior record,  
19 Your Honor, he's allowed to purchase firearms lawfully.

20 THE COURT: Okay. Yes. But the point is they're  
21 trying to say, well, he won't have access to any firearms.  
22 Yeah, he can go buy them.

23 MR. MATASSINI: Well --

24 THE COURT: He can go to some gun show, he can go  
25 to fairgrounds.

1 MR. MATASSINI: Not now if the Court releases him  
2 and imposes a restriction that he not purchase any more  
3 firearms. I mean, he could be under a legal obligation not  
4 to purchase any additional firearms.

5 THE COURT: Well, here's the problem: I'm not  
6 really troubled a whole lot by threat to flee. I think the  
7 conditions of release you propose may be enough for that.  
8 I'm really worried about danger to the community. It looks  
9 like he's mentally unstable and I don't know what would  
10 trigger him to go off and do something. He's cheering on  
11 the mass shooters. That's what -- that's what really  
12 bothers me.

13 MR. MATASSINI: And I understand that and he is  
14 willing to undergo a mental health evaluation and follow up  
15 with any recommended treatment as a condition of pretrial  
16 release.

17 THE COURT: Well, he wouldn't be released before  
18 he had a mental evaluation.

19 MR. MATASSINI: Well, he would --

20 THE COURT: That doesn't make any sense to me.

21 MR. MATASSINI: If that's the way the Court wanted  
22 to do it, he would absolutely agree to a mental health  
23 evaluation as a prerequisite to being released.

24 THE COURT: Okay. All right. Anything further?

25 MR. MATASSINI: No. I mean, I obviously filed a

1 motion, I know the Court's read it, I --

2 THE COURT: Yeah, I've read it, sure.

3 MR. MATASSINI: I appreciate that. No, nothing  
4 further.

5 THE COURT: Mr. Gammons, anything you want to say?

6 MR. GAMMONS: Yes, Your Honor. First,  
7 Mr. Matassini says that it's First Amendment protected  
8 speech. That is not the case. Any threats of violence  
9 against another person are not free speech, you can't do  
10 that, and I expect that's why the grand jury returned a true  
11 bill in this matter.

12 There is a -- the last page of the government's  
13 composite exhibit is a post by Jack Corbin from the day  
14 before he was arrested. This is from last week. And the  
15 defendant posts a story by ABC7.com that says: Carson, a  
16 city in California, moves to ban gun sales, limit gun  
17 possession within city limits. And the defendant's comment  
18 is: Time to stop this shit by any means necessary.

19 I only flag that for the Court because in the  
20 motion it says that the threats were, quote-unquote, stale.  
21 This is activity that has started around 2017 and has  
22 continued into the present.

23 Now, if we're talking about release conditions, I  
24 know that the Court is not very impressed with third-party  
25 custodians, but the defendant's father would be --

1 THE COURT: In particular in this case. What is a  
2 third-party custodian supposed to do, go to Virginia with  
3 him?

4 MR. GAMMONS: Yes, Your Honor. The --

5 THE COURT: That doesn't work.

6 MR. GAMMONS: It's clear that the defendant's  
7 father --

8 THE COURT: But on the other hand, with respect to  
9 the threat to flee, they're putting up their house. So he  
10 might want to travel with him and make sure his house isn't  
11 lost. So it may be in this circumstance I would think it's  
12 some security.

13 But my concern, as I've already expressed, is the  
14 dangerousness and we need to show that by clear and  
15 convincing evidence.

16 MR. GAMMONS: Yes, Your Honor. I believe that we  
17 have established that. I think that his pattern of conduct,  
18 the fact that the third-party custodian doesn't know about  
19 his activities with the firearms or his finances, up to this  
20 point we still haven't heard from the defendant himself  
21 about drug use, finances, or where all his firearms are. I  
22 think that there's -- I don't think there's any way we can  
23 assure the safety of the community based on the conditions  
24 suggested by Mr. Matassini in this case and we're requesting  
25 detention.



1 THE COURT: Suppose -- somebody proposed a mental  
2 health evaluation. Suppose that was done before he's  
3 released? Because that's my concern, is that he's mentally  
4 unstable and will do something that's deadly.

5 MR. GAMMONS: Your Honor, I think the appropriate  
6 venue to have a mental health evaluation would be in the  
7 Western District of Virginia rather than the Middle District  
8 of Florida in this case. I think that any delving into that  
9 topic could be a very, very long process and --

10 THE COURT: I'm not talking about sending him to  
11 Butner or something like that. So I'm not sure how -- and  
12 this isn't exactly the same as a competency evaluation and  
13 I'm not exactly sure who would do it. We're talking about  
14 dangerousness --

15 MR. GAMMONS: Yes, Your Honor.

16 THE COURT: -- because of mental instability. So  
17 that's where I'm sort of hung up, is that I don't know -- I  
18 don't know where he gets somebody to evaluate that.

19 MR. GAMMONS: Your Honor, I think if the answer is  
20 we don't know how we can assure the safety of the community,  
21 I think the answer is that he must be detained. With regard  
22 to -- and I guess from the government's perspective, if he  
23 did have a mental health evaluation and found out that he  
24 was perfectly fine mentally, the government's position would  
25 not change whatsoever based on the evidence --

1 THE COURT: Yeah, but mine would.

2 MR. GAMMONS: Understood, Your Honor.

3 THE COURT: Okay. All right. Anything further?

4 MR. GAMMONS: No, Your Honor.

5 THE COURT: All right. Did you have something you  
6 wanted to add?

7 MR. MATASSINI: No, I don't. I mean, other than  
8 just --

9 THE COURT: Okay.

10 MR. MATASSINI: No, I don't.

11 THE COURT: All right. At this point I'm going to  
12 continue to detain him. I've already explained why, I'm  
13 really concerned about mental instability. What the  
14 government showed indicated that he has -- whether he has  
15 some guns left or he just knows where to go get them. But  
16 he's talking that way. He's cheering on the mass shooters.  
17 This is the red flag that seems to be discussed, with  
18 respect to the mass shooters. So he will be detained.

19 All right. Court will be in recess.

20 (Proceedings concluded.)

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1 UNITED STATES DISTRICT COURT )  
2 MIDDLE DISTRICT OF FLORIDA )

3 REPORTER TRANSCRIPT CERTIFICATE  
4

5 I, Howard W. Jones, Official Court Reporter for  
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MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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